

1 The grounds for this motion are that the case should be transferred based on the location of the
 2 events at issue for the convenience of the parties and the witnesses, and in the interests of justice. The
 3 motion will be based upon the supporting Memorandum of Points and Authorities (Dkt. #10), the
 4 Declaration of James Newby (Dkt. #11), the Declaration of Brian C. Toth and attached exhibits
 5 (Dkt. #12), and upon such further evidence and oral argument as may be presented at the hearing.
 6 Defendant's undersigned counsel has conferred with counsel for Plaintiffs, who oppose this motion.

7 This amended notice of motion is being filed due to the fact that the previously-noticed motion
 8 date was vacated when the case was reassigned on May 2, 2008. (Dkt. #17).

9 Dated: May 7, 2008

Respectfully submitted,

RONALD J. TENPAS
 Assistant Attorney General
 Environment and Natural Resources Division

/s/ Brian C. Toth
 BRIAN C. TOTH
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18 *Of counsel:*

19 HELEN HARRIS
 20 Attorney
 Rural Utilities Division
 21 Office of General Counsel
 United States Department of Agriculture

22 Attorney for Defendant Rural Utilities Service

CERTIFICATE OF SERVICE

I hereby certify that on May 7, 2008, I electronically filed the foregoing DEFENDANT'S AMENDED NOTICE OF MOTION AND MOTION TO TRANSFER VENUE, with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Marianne G Dugan
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Matthew D. Vespa
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Dated: May 7, 2008

/s/ Brian C. Toth
BRIAN C. TOTH
Attorney for Defendant Rural Utilities Service